

106TH CONGRESS
2D SESSION

H. R. 3664

To amend the Immigration and Nationality Act to provide for the deferral of removal and detention of certain aliens awaiting trial on Federal or State criminal charges, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2000

Mr. SALMON introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for the deferral of removal and detention of certain aliens awaiting trial on Federal or State criminal charges, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Illegal Alien Prosecu-
5 tion Act of 2000”.

1 **SEC. 2. DEFERRAL OF REMOVAL AND DETENTION OF**
2 **ALIENS ORDERED REMOVED AND ACCUSED**
3 **OF CRIMES.**

4 Section 241(a) of the Immigration and Nationality
5 Act (8 U.S.C. 1231(a)) is amended—

6 (1) by redesignating paragraph (7) as para-
7 graph (8); and

8 (2) by inserting after paragraph (6) the fol-
9 lowing:

10 “(7) DEFERRAL OF REMOVAL AND DETENTION
11 OF ALIENS ACCUSED OF CRIMES AND AWAITING
12 PROSECUTION.—

13 “(A) SERIOUS VIOLENT FELONIES.—

14 “(i) DEFERRAL OF REMOVAL.—At the
15 request of Federal or State criminal justice
16 officials, the Attorney General shall defer
17 removal of an alien who is ordered re-
18 moved, is inadmissible under section
19 212(a)(6)(A), and is awaiting trial for a
20 serious violent felony (as defined in section
21 3559(c)(2)(F) of title 18, United States
22 Code), pending the conclusion of the pros-
23 ecution of the alien for the felony.

24 “(ii) DETENTION.—If an alien de-
25 scribed in clause (i) is released on bail or
26 on personal recognizance, the Attorney

1 General shall take into custody and detain
2 the alien, regardless of whether a request
3 described in such clause has been made,
4 until the alien is removed or released into
5 the custody of Federal or State criminal
6 justice officials.

7 “(B) OTHER CRIMES.—

8 “(i) DEFERRAL OF REMOVAL.—At the
9 request of Federal or State criminal justice
10 officials, the Attorney General may defer
11 removal of an alien who is ordered re-
12 moved, is inadmissible under section
13 212(a)(6)(A), and is awaiting trial for a
14 crime (other than a crime described in sub-
15 paragraph (A)), pending the conclusion of
16 the prosecution of the alien for the crime.

17 “(ii) DETENTION.—If an alien de-
18 scribed in clause (i) is released on bail or
19 on personal recognizance, and the alien’s
20 removal is deferred under such clause, the
21 Attorney General shall take into custody
22 and detain the alien until the alien is re-
23 moved or released into the custody of Fed-
24 eral or State criminal justice officials.”.

1 **SEC. 3. DETENTION OF ALIENS IN REMOVAL PROCEEDINGS**
2 **AND ACCUSED OF SERIOUS VIOLENT FELO-**
3 **NIES.**

4 Section 236(c)(1) of the Immigration and Nationality
5 Act (8 U.S.C. 1226(c)(1)) is amended by adding at the
6 end the following: “The Attorney General shall take into
7 custody and detain an alien who is described in subsection
8 (a), may be inadmissible under section 212(a)(6)(A), is
9 awaiting trial for a serious violent felony (as defined in
10 section 3559(c)(2)(F) of title 18, United States Code),
11 and has been released on bail or on personal recognizance,
12 pending the conclusion of the prosecution of the alien for
13 the felony or the imprisonment of the alien for the fel-
14 ony.”.

15 **SEC. 4. TREATMENT OF ARRIVING ALIENS.**

16 (a) INSPECTION OF APPLICANTS FOR ADMISSION.—
17 Section 235(b) of the Immigration and Nationality Act (8
18 U.S.C. 1225(b)) is amended by adding at the end the fol-
19 lowing:

20 “(4) INSPECTION OF CERTAIN ALIENS SUBJECT
21 TO ARREST AND PROSECUTION.—In the case of an
22 alien who is an applicant for admission, at the re-
23 quest of Federal or State criminal justice officials,
24 the Attorney General may detain an alien who is
25 subject to a warrant for arrest and release the alien
26 into the custody of Federal or State criminal justice

1 officials pending the conclusion of a prosecution or
2 imprisonment of the alien for a violation of a criminal
3 law of the United States or of any State.”.

4 (b) REMOVAL OF ALIENS ARRIVING AT PORT OF
5 ENTRY.—Section 241(c)(2)(A) of the Immigration and
6 Nationality Act (8 U.S.C. 1231(c)(2)(A)) is amended—

7 (1) in clause (i), by striking “or”;

8 (2) in clause (ii), by striking the period at the
9 end and inserting “; or”; and

10 (3) by adding after clause (ii) the following:

11 “(iii) the alien is subject to a warrant
12 of arrest for a violation of a criminal law
13 of the United States or of any State.”.

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